

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

**ROCKSTAR CONSORTIUM US LP
AND NETSTAR TECHNOLOGIES
LLC,**

Plaintiff,

v.

GOOGLE INC.,

Defendant.

Civil Action No.

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

1. Plaintiffs ROCKSTAR CONSORTIUM US LP and NETSTAR TECHNOLOGIES LLC (collectively, “Plaintiffs”) for its Complaint against Defendant GOOGLE, INC. (“Google”), alleges infringement of United States Patent Nos. 6,098,065; 7,236,969; 7,469,245; 7,672,970; 7,895,178; 7,895,183; and 7,933,883 (the “patents-in-suit”):

THE PARTIES AND BACKGROUND

2. Plaintiff Rockstar Consortium US LP (“Rockstar”) is a Delaware limited partnership with its principal place of business at Legacy Town Center I, 7160 N. Dallas Parkway, Suite 250, Plano, Texas 75024.

3. Plaintiff NetStar Technologies LLC (“NetStar”) is a wholly-owned subsidiary of Rockstar Consortium US LP and is a Delaware corporation with its principal place of business at Legacy Town Center I, 7160 N. Dallas Parkway, Suite 250, Plano, Texas 75024. NetStar is the exclusive licensee of the patents-in-suit.

4. Plaintiffs are informed and believe, and on that basis allege, that Defendant Google is a Delaware corporation with its principal place of business at 1600 Amphitheatre Parkway, Mountain View, CA 94043.

5. Nortel Networks, a previous assignee of the patents-in-suit, conducted an auction for Nortel's patent portfolio in July 2011. The auction included the patents-in-suit.

6. At that auction, Google and other companies bid for Nortel's portfolio.

7. Google was aware of the patents-in-suit at the time of the auction.

8. Google placed an initial bid of \$900,000,000 for the patents-in-suit and the rest of the Nortel portfolio. Google subsequently increased its bid multiple times, ultimately bidding as high as \$4.4 billion. That price was insufficient to win the auction, as a group led by the current shareholders of Rockstar purchased the portfolio for \$4.5 billion.

9. Despite losing in its attempt to acquire the patents-in-suit at auction, Google has infringed and continues to infringe the patents-in-suit.

JURISDICTION AND VENUE

10. The court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a) because this action arises under the patent laws of the United States, 35 U.S.C. §§ 1 *et seq.* Venue is proper in this federal district pursuant to 28 U.S.C. §§ 1391(b)-(c) and 1400(b).

INFRINGEMENT OF U.S. PATENT NO. 6,098,065

11. On August 1, 2000, United States Patent No. 6,098,065 (the “‘065 patent”) was duly and legally issued for an invention entitled “Associative Search Engine.” Rockstar is the assignee of the ‘065 patent and has granted an exclusive license to NetStar, who holds all rights and interest in the ‘065 patent. A true and correct copy of the ‘065 patent is attached hereto as Exhibit A.

12. Google has infringed and continues to infringe the ‘065 patent by its manufacture, use, sale, importation, and/or offer for sale of systems, methods, products, and processes for matching search terms with relevant advertising and/or information based on those search terms and other user data, including but not limited to Google's process of receiving search requests

from a user, using its search engine to generate search results based at least in part on the search request, selecting—through Google’s AdWords and/or any other products, methods, systems, or services Google uses to store and choose relevant advertising—a relevant advertisement based on the search request and/or user data, and providing the search results together with the particular advertisement to the user; and additionally Google’s systems, methods, products, and processes of using other user data aside from the search request to help select the search result and/or advertisement; and additionally and alternatively its contributing to and inducement of others to manufacture, use, sell, import, and/or offer for sale infringing systems, methods, products, and processes in the manners described above. Google is liable for its infringement of the ‘065 patent pursuant to 35 U.S.C. § 271.

13. Google’s acts of infringement have caused damage to Plaintiffs, and Plaintiffs are entitled to recover from Google the damages sustained by Rockstar, NetStar, and Rockstar’s predecessor assignees as a result of Google’s wrongful acts in an amount subject to proof at trial.

INFRINGEMENT OF U.S. PATENT NO. 7,236,969

14. On June 26, 2007, United States Patent No. 7,236,969 (the “‘969 patent”) was duly and legally issued for an invention entitled “Associative Search Engine.” Rockstar is the assignee of the ‘969 patent and has granted an exclusive license to NetStar, who holds all rights and interest in the ‘969 patent. A true and correct copy of the ‘969 patent is attached hereto as Exhibit B.

15. Google has infringed and continues to infringe the ‘969 patent by its manufacture, use, sale, importation, and/or offer for sale of systems, methods, products, and processes for matching search terms with relevant advertising and/or information based on those search terms and other user data, including but not limited to Google’s process of receiving search requests from a user, using its search engine to generate search results based at least in part on the search request, selecting—through Google’s AdWords and/or any other products, methods, systems, or services Google uses to store and choose relevant advertising—a relevant advertisement based on the search request and/or user data, and providing the search results together with the

particular advertisement to the user; and additionally Google's systems, methods, products, and processes of using other user data aside from the search request to help select the search result and/or advertisement; and additionally and alternatively its contributing to and inducement of others to manufacture, use, sell, import, and/or offer for sale infringing systems, methods, products, and processes in the manners described above. Google is liable for its infringement of the '969 patent pursuant to 35 U.S.C. § 271.

16. Google's acts of infringement have caused damage to Plaintiffs, and Plaintiffs are entitled to recover from Google the damages sustained by Rockstar, NetStar, and Rockstar's predecessor assignees as a result of Google's wrongful acts in an amount subject to proof at trial.

INFRINGEMENT OF U.S. PATENT NO. 7,469,245

17. On December 23, 2008, United States Patent No. 7,469,245 (the "'245 patent") was duly and legally issued for an invention entitled "Associative Search Engine." Rockstar is the assignee of the '245 patent and has granted an exclusive license to NetStar, who holds all rights and interest in the '245 patent. A true and correct copy of the '245 patent is attached hereto as Exhibit C.

18. Google has infringed and continues to infringe the '245 patent by its manufacture, use, sale, importation, and/or offer for sale of systems, methods, products, and processes for matching search terms with relevant advertising and/or information based on those search terms and other user data, including but not limited to Google's process of receiving search requests from a user, using its search engine to generate search results based at least in part on the search request, selecting—through Google's AdWords and/or any other products, methods, systems, or services Google uses to store and choose relevant advertising—a relevant advertisement based on the search request and/or user data, and providing the search results together with the particular advertisement to the user; and additionally Google's systems, methods, products, and processes of using other user data aside from the search request to help select the search result and/or advertisement; and additionally and alternatively its contributing to and inducement of others to manufacture, use, sell, import, and/or offer for sale infringing systems, methods,

products, and processes in the manners described above. Google is liable for its infringement of the ‘245 patent pursuant to 35 U.S.C. § 271.

19. Google’s acts of infringement have caused damage to Plaintiffs, and Plaintiffs are entitled to recover from Google the damages sustained by Rockstar, NetStar, and Rockstar’s predecessor assignees as a result of Google’s wrongful acts in an amount subject to proof at trial.

INFRINGEMENT OF U.S. PATENT NO. 7,672,970

20. On March 2, 2010, United States Patent No. 7,672,970 (the “‘970 patent”) was duly and legally issued for an invention entitled “Associative Search Engine.” Rockstar is the assignee of the ‘970 patent and has granted an exclusive license to NetStar, who holds all rights and interest in the ‘970 patent. A true and correct copy of the ‘970 patent is attached hereto as Exhibit D.

21. Google has infringed and continues to infringe the ‘970 patent by its manufacture, use, sale, importation, and/or offer for sale of systems, methods, products, and processes for matching search terms with relevant advertising and/or information based on those search terms and other user data, including but not limited to Google’s process of receiving search requests from a user, using its search engine to generate search results based at least in part on the search request, selecting—through Google’s AdWords and/or any other products, methods, systems, or services Google uses to store and choose relevant advertising—a relevant advertisement based on the search request and/or user data, and providing the search results together with the particular advertisement to the user; and additionally Google’s systems, methods, products, and processes of using other user data aside from the search request to help select the search result and/or advertisement; and additionally and alternatively its contributing to and inducement of others to manufacture, use, sell, import, and/or offer for sale infringing systems, methods, products, and processes in the manners described above. Google is liable for its infringement of the ‘970 patent pursuant to 35 U.S.C. § 271.

22. Google's acts of infringement have caused damage to Plaintiffs, and Plaintiffs are entitled to recover from Google the damages sustained by Rockstar, NetStar, and Rockstar's predecessor assignees as a result of Google's wrongful acts in an amount subject to proof at trial.

INFRINGEMENT OF U.S. PATENT NO. 7,895,178

23. On February 22, 2011, United States Patent No. 7,895,178 (the “‘178 patent”) was duly and legally issued for an invention entitled “Associative Search Engine.” Rockstar is the assignee of the ‘178 patent and has granted an exclusive license to NetStar, who holds all rights and interest in the ‘178 patent. A true and correct copy of the ‘178 patent is attached hereto as Exhibit E.

24. Google has infringed and continues to infringe the ‘178 patent by its manufacture, use, sale, importation, and/or offer for sale of systems, methods, products, and processes for matching search terms with relevant advertising and/or information based on those search terms and other user data, including but not limited to Google’s process of receiving search requests from a user, using its search engine to generate search results based at least in part on the search request, selecting—through Google’s AdWords and/or any other products, methods, systems, or services Google uses to store and choose relevant advertising—a relevant advertisement based on the search request and/or user data, and providing the search results together with the particular advertisement to the user; and additionally Google’s systems, methods, products, and processes of using other user data aside from the search request to help select the search result and/or advertisement; and additionally and alternatively its contributing to and inducement of others to manufacture, use, sell, import, and/or offer for sale infringing systems, methods, products, and processes in the manners described above. Google is liable for its infringement of the ‘178 patent pursuant to 35 U.S.C. § 271.

25. Google's acts of infringement have caused damage to Plaintiffs, and Plaintiffs are entitled to recover from Google the damages sustained by Rockstar, NetStar, and Rockstar's predecessor assignees as a result of Google's wrongful acts in an amount subject to proof at trial.

INFRINGEMENT OF U.S. PATENT NO. 7,895,183

26. On February 22, 2011, United States Patent No. 7,895,183 (the “‘183 patent”) was duly and legally issued for an invention entitled “Associative Search Engine.” Rockstar is the assignee of the ‘183 patent and has granted an exclusive license to NetStar, who holds all rights and interest in the ‘183 patent. A true and correct copy of the ‘183 patent is attached hereto as Exhibit F.

27. Google has infringed and continues to infringe the ‘183 patent by its manufacture, use, sale, importation, and/or offer for sale of systems, methods, products, and processes for matching search terms with relevant advertising and/or information based on those search terms and other user data, including but not limited to Google’s process of receiving search requests from a user, using its search engine to generate search results based at least in part on the search request, selecting—through Google’s AdWords and/or any other products, methods, systems, or services Google uses to store and choose relevant advertising—a relevant advertisement based on the search request and/or user data, and providing the search results together with the particular advertisement to the user; and additionally Google’s systems, methods, products, and processes of using other user data aside from the search request to help select the search result and/or advertisement; and additionally and alternatively its contributing to and inducement of others to manufacture, use, sell, import, and/or offer for sale infringing systems, methods, products, and processes in the manners described above. Google is liable for its infringement of the ‘183 patent pursuant to 35 U.S.C. § 271.

28. Google’s acts of infringement have caused damage to Plaintiffs, and Plaintiffs are entitled to recover from Google the damages sustained by Rockstar, NetStar, and Rockstar’s predecessor assignees as a result of Google’s wrongful acts in an amount subject to proof at trial.

INFRINGEMENT OF U.S. PATENT NO. 7,933,883

29. On April 26, 2011, United States Patent No. 7,933,883 (the “‘883 patent”) was duly and legally issued for an invention entitled “Associative Search Engine.” Rockstar is the assignee of the ‘883 patent and has granted an exclusive license to NetStar, who holds all rights

and interest in the ‘883 patent. A true and correct copy of the ‘883 patent is attached hereto as Exhibit G.

30. Google has infringed and continues to infringe the ‘883 patent by its manufacture, use, sale, importation, and/or offer for sale of systems, methods, products, and processes for matching search terms with relevant advertising and/or information based on those search terms and other user data, including but not limited to Google’s process of receiving search requests from a user, using its search engine to generate search results based at least in part on the search request, selecting—through Google’s AdWords and/or any other products, methods, systems, or services Google uses to store and choose relevant advertising—a relevant advertisement based on the search request and/or user data, and providing the search results together with the particular advertisement to the user; and additionally Google’s systems, methods, products, and processes of using other user data aside from the search request to help select the search result and/or advertisement; and additionally and alternatively its contributing to and inducement of others to manufacture, use, sell, import, and/or offer for sale infringing systems, methods, products, and processes in the manners described above. Google is liable for its infringement of the ‘883 patent pursuant to 35 U.S.C. § 271.

31. Google’s acts of infringement have caused damage to Plaintiffs, and Plaintiffs are entitled to recover from Google the damages sustained by Rockstar, NetStar, and Rockstar’s predecessor assignees as a result of Google’s wrongful acts in an amount subject to proof at trial.

WILLFUL INFRINGEMENT

32. Google’s infringement of any or all of the above-named patents is willful and deliberate, entitling Plaintiffs to increased damages under 35 U.S.C. § 284 and to attorneys’ fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

33. Despite losing in its attempt to acquire the patents-in-suit at auction, Google has infringed and continues to infringe the patents-in-suit despite its knowledge of the patents-in-suit and the objectively high likelihood that its actions constitute patent infringement.

JURY DEMAND

34. Plaintiffs demand a trial by jury on all issues.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs ROCKSTAR CONSORTIUM US LP and NETSTAR TECHNOLOGIES LLC request entry of judgment in their favor and against Defendant Google, Inc. as follows:

- a) Declaration that Google has infringed U.S. Patent Nos. 6,098,065; 7,236,969; 7,469,245; 7,672,970; 7,895,178; 7,895,183; and 7,933,883;
- b) Declaration that Google's infringement has been willful and enhanced damages and fees as a result of that willfulness under 35 U.S.C. § 284;
- c) Awarding the past and future damages arising out of Google's infringement of U.S. Patent Nos. 6,098,065; 7,236,969; 7,469,245; 7,672,970; 7,895,178; 7,895,183; and 7,933,883 to Plaintiffs together with prejudgment and post-judgment interest, in an amount according to proof;
- d) Awarding attorneys' fees, costs, or other damages pursuant to 35 U.S.C. §§ 284 or 285 or as otherwise permitted by law; and
- e) For such other costs and further relief as the Court may deem just and proper.

DATED: October 31, 2013

Respectfully submitted,

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